

STANDARDS COMMITTEE

5th SEPTEMBER 2006

PLANNING PROTOCOL

RICHARD LONG, DIRECTOR OF LEGAL & DEMOCRATIC SERVICES

PURPOSE OF THE REPORT

1. To highlight the issue of lobbying of members of the Planning Committee.

RECOMMENDATIONS

2. Members note the report.
3. All Council Members be informed of the requirement not to lobby Members of the Planning Committee.

BACKGROUND

3. In February 2001 one Council produced a "Code of Practice" for Dealing with Planning Applications and Related Matters". The purpose of the code is to ensure that planning applications are dealt with properly so as to avoid any allegations of bias, unfairness or inconsistency. One of the problems which does arise from time to time is the lobbying of members of the Planning Committee. There are a number of issues regarding lobbying which are covered in the Code, but an incident has occurred recently regarding lobbying by a Ward Councillor.
4. The Code of paragraph 4.6 provides:-

"Councillors who are not members of the Planning and Development Committee may be lobbied in connection with a planning application. They should not seek to lobby Members of the Planning and Development Committee. At the Chairman's discretion they can speak at the Committee meeting proper, for no longer than 5 minutes but cannot take part in the voting on an application. The Chairman must be informed by the Members Services Unit of any non Committee Member wishing to speak."

5. In the particular incident in question, the Ward Councillor sent letters to all Members of the Planning Committee, copied to the Development Control officer, in respect of two planning applications within the Ward. The letters voiced concerns raised by residents and urged the Members to refuse planning permission. There is no indication that the Member was acting in any capacity other than as a Ward Councillor on behalf of his constituents.
6. I have written to the Member informing of that fact that his actions had breached the Code.
7. As a result of this incident I made enquiries to determine whether all Councillors had received training dealing with planning applications. A training session had been organised in 2003 and this particular Member had attended, however, whilst training is compulsory for Members of Planning Committee it would appear that non-Planning Committee Members had received neither training nor a copy of the Code.
8. In view of above, it is proposed that all Members be sent a copy of the Code, and that training be offered to all Members following the 2007 elections.

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BACKGROUND PAPERS

Legal Services File Re: Breaches Planning Code